

United States Bankruptcy Court  
Middle District of North Carolina  
Winston Salem Division

In re:  
Jeffrey Wayne Drown

Bankruptcy Case No.: 12-50751  
Chapter 13

Motion to Avoid Judicial Lien of HSBC Bank Nevada NA (10CVD1217)

The Debtor moves for an order pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 to avoid the judicial lien held by HSBC Bank Nevada NA ("Respondent") and in support of this motion states:

1. The Debtor filed a voluntary petition under Chapter of the Bankruptcy Code on May 22, 2012.
2. Respondent holds a judicial lien which impairs an exemption that has been claimed by the Debtor in the following property: house with 24x30 enclosed building on 1.60 acres located at 1668 Siloam Road, Mount Airy, NC 27030.
3. The judicial lien is in the amount of \$2,141.00, exclusive of attorney's fees, costs and interest, and is based upon a judgment or transcript of judgment that was recorded on 11/2010 in the office of the Clerk of Superior Court of Surry County on in Judgment System JMT001.
4. The Exempt Property is subject to other liens, which are as follows: Chase Home Finance
5. The value of the Exempt Property is \$91,050.00, which value is based upon tax value.
6. The Debtor claims an exemption in the abovementioned property, or is in conjunction herewith submitting an amended exemption list on Form 91C pursuant to Federal Rule of Bankruptcy Procedure 1009(a) that claims an exemption in the abovementioned property, in the amount of \$00.00 pursuant to N.C.G.S. § 1C-1601(a)(1) and (9).
7. The Debtor states that the Respondent's lien impairs the Debtor's exemption following the formula set forth in 11 U.S.C. § 522(f)(2):

First mortgage/lien, if any	Chase Home Finance	\$101,614.36
Second mortgage/lien, if any	HSBC Bank Nevada, NA	\$2,141.00
Third mortgage/lien, if any		
Fourth mortgage/lien if any		
a. Total amount of liens state above:		\$103,755.36
b. Plus value of exemption if there were no liens on the property		\$35,000.00
c. Total of the liens and the value of the exemption		\$138,755.36
d. Minus value of property in the absence of any liens		-\$91,050.00
e. Extent of impairment claimed		\$47,705.36
f. Minus amount of judgment		-\$2,141.00
g. Extent to which lien can be avoided		\$45,564.36

8. Because the total aggregate of the liens and the value of the exemption is \$138,755.36 which exceeds the value of Debtor's interest in the property by \$47,705.36, and because that sum equals or exceeds the amount of the lien of \$2,141.00 sought to be avoided, the Respondent's lien may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

**WHEREFORE**, the Debtor respectfully requests the Court for an order that:

- A. Avoids the judicial lien held by HSBC Bank Nevada, NA to the extent sought in this motion, and
- B. Grants such other and further relief as is fair and equitable.

This the 11<sup>th</sup> day of March, 2013.

/s/Thomas W. Anderson  
Thomas W. Anderson  
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Certificate of Service

This is to certify that on the below date, the undersigned served a copy of the Motion to Avoid Judicial by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

HSBC  
1441 Schilling Place  
PO Box 81622  
Salinas, CA 93901

Surry County Clerk of Superior Court  
PO Box 345  
Dobson, NC 27017

Ms. Kathryn Bringle  
CHAPTER 13 OFFICE  
PO Box 2115  
Winston-Salem, NC 27102

Bankruptcy Court Administrator  
PO Box 1828  
Greensboro, NC 27402

This day:      March 11, 2013

/s/Thomas W. Anderson  
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